

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, December 7, 2011 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Horwich.

**3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

Present: Commissioners Gibson, Horwich, Polcari, Rizzo, Weideman and Chairperson Skoll.

Absent: Commissioner Uchima (excused).

Also Present: Planning Manager Lodan, Planning Associate Martinez, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Assistant City Attorney Sullivan.

**MOTION:** Commissioner Horwich moved to grant Commissioner Uchima an excused absence from this meeting. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, December 1, 2011.

**5. APPROVAL OF MINUTES – November 2, 2011**

Deferred to December 21, 2011.

**6. REQUESTS FOR POSTPONEMENTS – None.**

**7. ORAL COMMUNICATIONS #1 – None.**

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Chairperson Skoll reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**8. TIME EXTENSIONS – None.**

**9. CONTINUED HEARINGS**

**9A. PRE11-00012: MICKEY MATSUMOTO**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 4718 Vanderhill Road.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request.

Mickey Matsumoto, 4718 Vanderhill Road, applicant, voiced his agreement with the recommended conditions of approval.

Commissioner Weideman questioned whether the plans had been revised since the Commission last considered the project on November 2, 2011, noting that the staff report mentions that the project architect met with the neighbor at 4722 Vanderhill Road to discuss modifications. Mr. Matsumoto reported the discussion did not result in any revisions.

Gerel Santiago, 4722 Vanderhill Road, voiced objections to the project. Submitting photographs to illustrate, she contended that it would obstruct the view to the east from the second-story master bedroom/bathroom and block sunlight from the east side of the house. She noted that the staff report mentions that the proposed addition will not impact the view to the west from her second story, however, she does not have a view in this direction because she was limited to one high window so as not to invade the privacy of her neighbors. She explained that when she and her husband built their second-story addition, they originally planned to have 3 bedrooms/2 bathrooms, but they had to downsize to only 1 bedroom/1 bathroom due to the impact on surrounding neighbors. She called for the Commission to impose the same standards and require Mr. Matsumoto to redesign the project.

Commissioner Weideman asked about discussions with the architect, and Ms. Santiago reported that he proposed moving the south wall two feet, but that would do nothing to address her concerns. She estimated that she would lose almost the entire view from her master bedroom.

Commissioner Weideman read the following excerpt from the November 2, 2011 Planning Commission minutes: *Noting that during the hearing on Item 11A, a gentleman had expressed dismay that the Hillside Ordinance was being interpreted differently as compared to when his project was approved 18 years ago, Commissioner Horwich stated that the ordinance is so vague that the interpretation could vary from month to month however he believes this was done deliberately so that people could use their best judgment.*

Responding to questions from the Commission, Ms. Santiago confirmed that the view being impacted was acquired when the second story was built in 1990 and this view did not exist when she and her husband purchased the home.

Commissioner Weideman noted that he had not visited the site and asked Planning Manager Lodan to describe the view loss.

Planning Manager Lodan reported that he did not personally visit the Santiago home, but it was the judgment of the Planners who did that the view was not impacted to the extent that modifications were required. With regard to light impact, he explained that the two lots are roughly at the same elevation so the impact would be similar to any other R-1 lot therefore staff did not include any mitigations.

In response to Commissioner Weideman's inquiry, Mr. Matsumoto clarified that he had offered to shift the southern wall of the addition two feet to the north, but this was not acceptable to the Santiagos.

**MOTION:** Commissioner Horwich moved to close the public hearing. The motion was seconded by Commissioner Weideman and passed by unanimous voice vote (absent Commissioner Uchima).

Commissioner Weideman expressed reservations about approving this project. He stated that he usually does not give a lot of weight to photographs when he doesn't know who took them or whether a zoom lens was used, but the photographs submitted by Ms. Santiago appear to show a significant view impact. He noted that some people believe that "acquired views" do not deserve the same protection as original views, however he does not share this opinion.

Commissioner Rizzo indicated that he did not believe acquired views should be afforded the same protection as original views. He suggested that if someone is the first to build a second-story addition in a particular neighborhood and the acquired view is completely protected, surrounding neighbors would then have to obtain this person's approval before they could build an addition, which would place an undue burden on these neighbors. He stated that he could better understand the Santiagos opposition to the project, if they had purchased the home after the two-story addition was built and paid a lot of money for the view, but this is not the case.

Commissioner Polcari commented that this was almost like a "chicken and the egg" situation; that he believed the neighbor will suffer a significant view loss if the project goes forward as proposed; and that he felt it would be best if both sides give a little.

Commissioner Horwich stated that he personally does not believe an acquired view should be protected as much as an original view and that he would be voting in favor of this project.

Commissioner Gibson stated that she agreed that just because someone is the first to build an addition they should not be given carte blanche, but she also believes they should not be punished and felt there was some room for compromise.

Chairperson Skoll indicated that he found this to be a difficult case because there appears to be a definite view loss if this project is approved as submitted yet he agrees that acquired views should not have the same protection as original views. He expressed concerns that the Commission's decision could be viewed as precedent-setting whichever way it goes.

**MOTION:** Commissioner Rizzo moved to approve PRE11-00012, as conditioned, including all finding set forth by staff. The motion was seconded by Commissioner Horwich and failed to pass as reflected in the following roll call vote:

AYES: Commissioners Horwich, Rizzo and Chairperson Skoll  
NOES: Commissioners Gibson, Polcari and Weideman  
ABSENT: Commissioner Uchima

Commissioners briefly discussed the possibility of deferring action on this item until all seven members of the commission were present.

Planning Manager Lodan suggested continuing the hearing so the applicant and the neighbor could try to find a solution, noting that this evening was the first time the Santiagos have submitted any information detailing their concerns.

Commissioners expressed support for Planning Manager Lodan's suggestion.

**MOTION:** Commissioner Horwich moved to continue the hearing to December 21, 2011. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote (absent Commissioner Uchima).

Commissioner Rizzo urged the applicant and the neighbor to work together to find a compromise.

Planning Manager Lodan noted that there will be no further notification about the hearing since it was continued to a date certain.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP11-00022, DIV11-00006 (EAS11-00001): NEIL MISHURDA – XEBEC REALTY PARTNERS**

Planning Commission consideration for adoption of a Mitigated Negative Declaration and approval of a Conditional Use Permit to allow the demolition of 282,671 square feet and construction of a 454, 800 square-foot multi-tenant industrial business park utilizing an existing 156,000 square-foot building on the former Ball Manufacturing Corporation, resulting in a 16,129 square-foot net addition to the site in conjunction with a Division of Lot to subdivide one lot into two parcels on property located in the M-2 Zone at 500 Crenshaw Boulevard.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting consisting of revisions to Resolution No. 11-070.

Commissioner Weideman noted that both Condition No. 10 and Condition No. 19 require that all mechanical/ electrical equipment be screened, and Planning Manager Lodan confirmed that Condition No. 19 could be eliminated.

Neil Mishurda, Xebec Realty Partners, applicant, voiced his agreement with the recommended conditions of approval as revised.

Planning Manager Lodan briefly reviewed the environmental findings in Initial Study (EAS11-00001). He advised that it was determined that construction-related activities could potentially impact air quality if left unmitigated; that three mitigation measures are being required as detailed in Condition No. 4; and that with the incorporation of these measures, the potential impacts are reduced to less than significant, therefore staff was recommending the adoption of a Mitigated Declaration.

Commissioner Weideman noted that the Initial Study (page 8 of 15) mentions that Volatile Organic Compounds VOCs have been identified at the site.

Mr. Mishurda reported that the VOCs are chlorinated solvents that occurred as a result of the manufacturing activity of the Ball Manufacturing Corporation; that a vapor extraction system was installed approximately 1½ months ago and the contamination level has already been reduced by half; and that they hope to have it fully remediated prior to commencing construction.

In response to Commissioner Gibson's inquiry, Mr. Mishurda indicated that the applicant's representatives present at the meeting did not include a chemical engineer.

Chairperson Skoll invited public comment on the Initial Study.

Mitch Lambert, 716 Pine Drive, stated that he is not opposed to the project but is concerned about the impact on traffic on Dominguez. He noted that the adjacent residential neighborhood is heavily impacted by cut-through traffic, particularly when a train stops traffic on Torrance Boulevard. He also expressed concerns that VOCs in the ground could be disturbed during the construction process and become airborne. With regard to the traffic study, he questioned the finding that a site with 667 parking spaces would generate only 112 additional daily trips.

Planning Manager Lodan explained that the project was specifically designed to direct traffic away from Dominguez and all entrances/exits will be oriented to Crenshaw, 208<sup>th</sup> Street and Madrid. He noted that there is a signalized intersection at 208<sup>th</sup> Street and Crenshaw so this would be the preferred route in and out of the site. He clarified that the traffic analysis determined that the project would generate 112 additional daily trips as compared to the previous manufacturing use.

Sr. Fire Prevention Officer Kazandjian advised that the Fire Department requires that a closure letter be provided indicating that contaminants in the soil have been completely eliminated or remediated to a level that is safe for this use and additionally, there are several mitigation measures that must be employed when moving or disturbing soil to ensure that it is contained on the property.

Mr. Lambert noted that the residential area on the south side of Dominguez is part of historic "Old Torrance" and suggested that a sign be installed to delineate it from the industrial area on the north side of the street.

Returning to the podium, Mr. Mishurda explained that the traffic impact from the project will be minimal because dilapidated old buildings on the site will be replaced with newer ones and the net gain in square footage is relatively small.

Bob Matson, RBF Consulting, traffic consultant for the project, advised that the project was specifically designed so that traffic from the site will be funneled to the north away from Dominguez. He clarified that the additional 112 daily trips mentioned in the

traffic analysis refer to the incremental increase that would result from the added square footage.

In response to Commissioner Weideman's inquiry, Mr. Matson confirmed that the impact of the Del Amo Boulevard extension was considered in the traffic analysis.

With regard to concerns about VOCs, John Grace, Xebec Realty Partners, clarified that no soil will be transported from the site and existing contaminants will be remediated prior to the commencement of grading.

Mr. Mishurda explained that a thorough soil investigation was done and only one small area in the northwest quadrant of the property was found to have chlorinated solvents.

Commissioner Polcari asked about the history of the property, and Mr. Mishurda reported that before Ball Manufacturing, the property was owned by Reynolds Aluminum, and prior to that it was a maintenance yard for Pacific Electric.

**MOTION:** Commissioner Weideman moved to adopt a Mitigated Negative Declaration per EAS11-00001. The motion was seconded by Commissioner Polcari and passed by a 5-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Uchima).

Commenting on his vote, Commissioner Weideman indicated that he believed potential traffic issues had been addressed by directing traffic to the north away from Dominguez and while he still had some concerns about VOCs, he was comfortable with the applicant's assurance that the soil would be remediated.

Using renderings to illustrate, Dennis Roy, RGA Architects, project architect, briefly described the proposed project. He explained that all activity is focused toward the north end of the parcel away from the residential area to the south, with only one access road along the south side of the property to be used for Fire Department access only. He clarified that it's not possible to make a right turn onto Dominguez going southbound on Madrid because they do not connect. He pointed out that the project includes new perimeter landscaping and fencing, which will be a substantial upgrade for this site.

Commissioner Weideman noted that the large mature trees along the south side of the property create a natural buffer for the residential area. Mr. Roy confirmed that an effort would be made to preserve as many of the trees as possible, explaining that the fire access lane will be constructed in an area that is now gravel and the bio-swale that will be constructed on the south side of the property is being designed around the trees.

In response to Commissioner Horwich's inquiry, Planning Manager Lodan provided clarification regarding parking requirements.

Responding to Chairperson Skoll's inquiry, Mr. Roy reported that interior improvements will be completed under separate permit once tenants have been identified and confirmed that the appropriate ratio of handicapped parking will be provided.

Chairperson Skoll invited public comment on the project.

Mitch Lambert, 716 Pine Drive, expressed concerns about the potential that standing water in the bio-swale could breed mosquitoes.

Planning Manager Lodan advised that bio-swales are designed to allow rainwater to percolate into the soil so that standing water is not an issue.

Charles M. Deemer, 21425 Talisman, noted that Condition No. 11 requires that 2% of the total parking capacity be marked for low-emitting and fuel efficient vehicles and questioned how such vehicles are defined. Planning Manager Lodan advised that staff relies on the definition provided by the California Air Resources Board.

Commissioner Gibson expressed concerns that the lengthy list of mitigation measures includes such things as requiring truck tires to be watered down or scraped down prior to departing the site, which make it seem that construction might pose a risk to nearby residents, and indicated that she was not comfortable approving the project without having a chemical engineer present to confirm that excavating this site would not be hazardous.

Assistant City Attorney Sullivan clarified that the mitigation measures listed in Condition No. 4 are standard dust control measures required on any construction site per SCAQMD (South Coast Air Quality Management District) rules and regulations and they are not related to concerns about VOCs on this site. He reiterated that the Fire Department will require a closure letter confirming that the site has been remediated before any excavation can take place.

**MOTION:** Commissioner Horwich moved to close the public hearing. The motion was seconded by Commissioner Rizzo and passed by unanimous voice vote.

Commissioner Weideman expressed the hope that the applicant would look favorably on Mr. Lambert's suggestion about installing a sign to delineate the Old Torrance residential neighborhood from the industrial area.

**MOTION:** Commissioner Weideman moved for the approval of CUP11-00022 and DIV11-00006, as conditioned, including all findings of fact set forth by staff with the following modification:

**Delete**

No. 19 That all mechanical and electrical equipment shall be screened to the satisfaction of the Community Development Director.

The motion was seconded by Commissioner Rizzo and passed by a 5-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Uchima).

Chairperson Skoll stated that he believes this is a well-designed project and was pleased that buildings will be required to be CalGreen certified.

Planning Assistant Martinez read aloud the number and title of Planning Commission Resolution Nos. 11-070 and 11-071.

**MOTION:** Commissioner Weideman moved for the adoption of Planning Commission Resolution Nos. 11-070 and 11-071 as amended. The motion was seconded by Commissioner Rizzo and passed by 5-1 call vote, with Commissioner Gibson dissenting (absent Commissioner Uchima).

12. **RESOLUTIONS** - None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS** – None.

15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

Planning Manager Lodan reported that the City Council considered regulations for events involving gourmet food trucks on TUSD property on December 6 and that staff will be bringing forward guidelines for this type of event on private property for the Commission's consideration at the next meeting.

16. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the December 21, 2011 Planning Commission meeting. He noted that staff anticipates that the January 4 meeting will be cancelled.

17. **ORAL COMMUNICATIONS**

**17A.** Commissioner Gibson reported that she became a grandmother for the second time with the birth of Jacob Takashi Gibson on November 23 at Little Company of Mary Hospital.

**17B.** Planning Manager Lodan noted that Planning Commissioners have been invited to the groundbreaking ceremony at Little Company of Mary Hospital on Friday, December 16, at 10:00 a.m.

**17C.** Chairperson Skoll related his belief that the Commission had done a job on tonight's cases.

18. **ADJOURNMENT**

At 8:47 p.m., the meeting was adjourned to Wednesday, December 21, 2011 at 7:00 p.m.

Approved as Submitted February 1, 2012 s/ Sue Herbers, City Clerk
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